IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 14850 of 2003

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AHMEDABAD MUNICIPAL CORPN

Versus

MAHENDRA CHINUBHAI PATEL

Appearance:

NANAVATI & NANAVATI for Petitioner No. 1

MR NV SOLANKI for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 24/08/2004

ORAL JUDGEMENT

1. Heard Mr. D.G. Shukla for M/s Nanavati & Nanavati for the petitioner and Mr. N.V. Solanki for the respondent. In view of the interlocutory order passed by this Court on 23rd February 2004, the petitioner Corporation has relieved the respondent workman on 1st March 2004. Therefore the order dated 6th

September 1991 is made operative only from 1st March 2004. In any case the Reference is pending before the Labour Court, Ahmedabad. Under the circumstances, in my opinion, the following directions can be issued, without entering into the merits of the case, which would meet the ends of justice.

[i] The Labour Court shall hear and decide the Reference as expeditiously as possible and in any case within six months from the date of receipt of writ of this order.

[ii] The order dated 6th September 1991 will be subject to the final outcome of the Reference pending before the Labour Court, Ahmedabad and if ultimately the respondent workman succeeds before the Labour Court, then the workman will be granted appropriate reliefs from the date of retrenchment i.e. from 1st March 2004 till the date of the order of the Labour Court.

2. Subject to the aforesaid observations and directions the petition is disposed of It is clarified that since the impugned order is already implemented, the stay order granted by the Labour Court has become ineffective. Rule is made absoltue to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

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